



**PALM BEACH COUNTY
 PLANNING, ZONING AND BUILDING DEPARTMENT
 ZONING DIVISION**

POLICY AND PROCEDURES

FROM: Jon MacGillis, ASLA, Zoning Director

SUBJECT: Procedures for Removal / Replacement of Street Trees within Planned Development Districts

PPM #: ZO-O-074

ISSUE DATE
 8/31/21

EFFECTIVE DATE
 8/31/21

PURPOSE:

To document the procedures established for the review, approval and certification of installation; and, to establish procedures for processing request(s) for the removal of Street Trees within a Planned Development Districts (PDD).

AUTHORITY:

Street Tree Installation – Engineering Department:

The Engineering and Public Works Department has the responsibility of reviewing and approving of Street Trees within PDDs and all Landscaping of the County’s Rights-of-Way (ROW), in accordance with the following established documents: the Unified Land Development Code (ULDC) - Article 11.B.4, Construction Plans and Supplemental Engineering Information; the Engineering and Public Works Operations Streetscape Standards Manual established February, 2008, which provides the standards and guidelines for reviewing ROW landscape plans; the Engineering and Public Works - Land Development (LD) Division’s PPM EL-O-2906 – Street Tree Approval Process for Planned Development Districts, and, the ROW Permitting Ordinance 2019-030.

Street Tree Removal/Replacement – Zoning Division:

The current ULDC Article 3.E.1.C.2.d, Street Trees and Article 7.D, Landscape Standards, provides minimal provisions for a Street Tree request(s) for removal or replacement within a PDD. Zoning Staff is proposing amendments to the ULDC in Round 2021-02, which will add and clarify the requirements and standards for the Zoning approval of the requests for removal of street trees installed within a PDD. This PPM establishes the internal procedures for the Zoning Landscape Section Staff to adhere to when a request to remove and/or replace street trees is inquired by the owner or a Homeowner Association (HOA).

BACKGROUND INFORMATION REGARDING STREET TREES IN PDDs:

The Planned Unit Development (PUD) Ordinance was adopted in 1969 and did not address the requirements for the installation of street trees. Between 1969 and early 1990 many PUD developers installed street trees without having to adhere to minimum requirements in the county regulations. In the early 1990’s the BCC began enforcing the requirement of installing street trees through applying Conditions of Approval when a new PUD was approved. In 1992, with the adoption of the 1992-02 Code, the minimum street tree planting requirement and standards were established, which required that trees should be installed along all platted ROWs with 32 feet in width or greater. In 1997, Land Development (LD) established a Street Tree Plan approval process for all PDDs and have been doing so since. Street Tree Plans are submitted, reviewed and approved, by Land Development, a division of the Engineering Department. The installation of these trees are certified by the landscape architect of record.

In 2003, Ordinance 2003-067 amended the ULDC requirements to address potential long-term maintenance of underground utilities, and damage caused due to mature tree roots, then amended the requirement for street trees to be applicable only to ROW with 50 feet in width or greater.

In 2011, Ordinance 2011-001 amended the ULDC requirements in Art.3.E.1.C.2.d, Street Trees, to include the requirement for installation of appropriate root barrier techniques. This amendment also gave the County Engineer the authority to assess the location(s) of the proposed street trees and be able to waive or modify the street tree requirements as necessary. Additionally, the amendments clarified that the Engineering and Public Works Department would be responsible for the review and approval of all applications for landscaping in the medians and ROW in accordance with the Street Tree Program standards established by PBC Engineering Department in 2008.

PROCEDURES:

1. STREET TREE PLAN REVIEW PROCESS AND INSTALLATION CERTIFICATION – ENGINEERING DEPARTMENT:

The Engineering Department currently has the authority to review and approve the location of street trees within the public ROW of a PDDs, pursuant to Article 3.E.1.C.2., and in accordance with the established PPM-EL-O-2906, as revised March 2020 by the Engineering & Public Works Department. This PPM outlines the processes for the review and approval of the Street Tree Plan for PDDs, and establishes the authority for the Land Development Division Staff to “...review for compliance with sight distances, clear zone requirements and other traffic engineering considerations; as well as reviewing for the appropriate plant material and planting specifications...” refer to [PPM EL-O-2906](#). A Street Tree Plan is approved accordingly and upon final inspection of the installation of the street trees, a Certificate of Completion is issued by Engineering.

Once the development is fully constructed, the developer turns over the project to the appropriate Homeowners Association (HOA) for preservation and maintenance of the installed street trees. Should the HOA have justification for the removal of the installed street trees; a Vegetation Removal and Replacement Permit approval is required through the Zoning Division.

2. STREET TREE REMOVAL AND REPLACEMENT – ZONING DIVISION:

The ULDC Article 7.B.5, Vegetation Removal and Replacement establishes general procedures for the removal of required vegetation including trees, but does not specifically address the removal of Street Trees in PDDs. In the event a PDD needs to remove the installed Street Trees, the HOA or whomever has the legal authority over the existing Street Trees may contact the Zoning Landscape Section to discuss their specific situation and proposal, and may submit a request for tree removal, subject to the procedures established in Art.7.B.5, as listed below:

1. Pre-application site meeting;
2. Application Submittal Requirements;
3. Application Review and Final Decision;
4. Standards for Removal and Replacement;
5. Replacement;
6. Timeline; *and*,
7. Inspection.

In addition to the procedures established in Art.7.B.5, the applicant and staff shall adhere to the following:

1. All inquiries regarding removal of street trees shall be entered in ePZB as a PCN-No-App by the Landscape staff and attach all emails and correspondences as received in the ePZB Contact Log screen for record keeping.
2. Subsequently, the applicant may submit an application for review and approval for the removal of street trees to the Zoning Landscape staff, the applicant shall include the following documents for review, as applicable:
 - a) Submit Form #60- Tree Removal and Replacement Application, and Form #3- Consent, and all supporting documents, including those listed below;
 - b) Justification Statement with detailed explanation of the request for removal or replacement, include photos or any related additional supporting documents. Justification shall also address the standards in Art.7.B.5.B.4, Standards for Removal and Replacements;
 - c) A copy of the Street Tree Plan as approved by LD, if applicable;
 - d) A clouded Street Tree Plan showing the areas and trees being removed, if applicable;
 - e) Letter of agreement / approval from the Owner or authorized HOA personnel;
 - f) Letter from a certified Arborist or a Florida licensed Landscape Architect in support of the removal and/or replacement of the identified trees;
 - g) A copy of the approved Site Plan, Master Plan or Regulating Plan, and a copy of the survey, as applicable;

- h) Provide a comprehensive list of the trees proposed for removal and/or replaced, provide the tree description, species, size, and location of each tree and/or its replacement, as applicable.
3. If the trees are removed and replaced with alternatives, the applicant shall refer to the current "Preferred Street Trees" list as posted on the Zoning Web page, for possible alternatives:
https://www.pbcgov.org/ePZB.Admin.WebSPA/#/Container/Plant_Material_Database
4. Staff shall enter the application in ePZB as a Tree Removal Permit (TRP) and attach all supporting documents as submitted.
5. Staff shall review the application in accordance with Art.2, and Art.7.B.5. Additionally staff shall review and be in agreement of the following requirements before approving a Tree Removal Permit application for the removal of street trees:
 - a) Review the existing Conditions of Approval for the Development Order for any landscaping requirements that may affect the removal of the specified street trees;
 - b) Ensure that the site will still be meeting the street tree requirements of the ULDC (that existed at the time of DO approval), specifically if the trees are being removed;
6. Staff shall review the standards of removal and replacement as outlined in Art. 7.B.5.B.4, and may provide alternatives to removal, such as root pruning, adding root barriers, replacement with smaller trees in same or different location (tree credit), relocating to common areas, etc., as applicable.
7. The application may be Approved, Approved with Conditions, or Denied. If approved, a Tree Removal Permit shall be issued and be provided to the applicant upon approval of the application. Conditions of Approval may be added to the permit document, if applicable.
8. Site inspections are required in accordance with Art.7.B.5.E, to verify the removal and replacements are in conformance with the tree removal permit and the Conditions of Approval, as applicable.
9. In the event the Tree Removal Permit application is denied, a written denial letter shall be issued. The applicant may appeal the denial decision as a non-judicial appeal, in accordance with Art.2.A.14, Appeal.

Attachment: **A. Current Vegetation Removal and Replacement - Process Flowchart.**



Director

Vegetation Removal and Replacement (ULDC Art.7.B.5)

Applicant	Zoning Division Staff	County Agencies	Decision Making Bodies	Timing (Approximate)
<p>Applicant schedules a Pre-Application Site Meeting with a Landscape Inspector prior to application submittal (contact 561-233-5037). Staff shall determine the eligibility of the trees for removal based on standards in ULDC, Article 7.B.5, and provide the applicant with the Tree Removal and Replacement Application</p>				
<pre> graph TD A[Applicant submits all forms, plans and supporting documents to Landscape Section as determined in meeting] --> B{Application is reviewed for Sufficiency} B -- Insufficient --> C[Applicant reviews insufficiencies and resubmit accordingly] C --> A B -- Sufficient --> D[Applicant pay the assessed fees] D --> E[DRO Landscape Section Staff reviews the application and Approve, Approve with Condition(s) of Approval or Deny the request] E --> F{Tree Removal and Replacement Permit is issued} F -- Approved --> G[Applicant proceeds with development] G --> H[Applicant shall contact Landscape Staff when the trees are removed and/or replaced to schedule Final Site Inspection] </pre>				
<p>Important: Residential properties may be exempt from permitting requirements in accordance with F.S. § 163.045. The Tree Removal and Replacement Permit is valid for six months from the date of issuance. The removal and replacement must occur within the valid six months period and in accordance with the established timeline. Failure to comply with the Tree Removal and Replacement Permit and/or Conditions of Approval as established thereof, and the established Timeline, will result in enforcement action by Planning, Zoning and Building.</p>				

10 Working Days

10 Working Days from submittal

5 Working Days

Based on established Timeline

Approved